

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LAND AND BUILDINGS LOCATED AT 123 NORTH
MAIN STREET, ROCHESTER, NEW HAMPSHIRE,
WITH ALL IMPROVEMENTS AND
APPURTENANCES THEREON, OWNED BY PETER
COSGROVE, ET AL;

Defendants in Rem.

Civ. No. 03-79-JD

**ORDER ON ASSENTED-TO MOTION TO SUBSTITUTE AND FORFEIT
\$75,000 FOR DEFENDANT IN REM 123 NORTH MAIN STREET, ROCHESTER,
NEW HAMPSHIRE, AND TO DISMISS DEFENDANT IN REM ,
123 NORTH MAIN STREET, ROCHESTER NEW HAMPSHIRE**

On February 27, 2003, the United States commenced an action by Verified Complaint for Forfeiture in Rem, seeking, *inter alia*, the forfeiture of the defendant in rem real property 123 North Main Street, Rochester, New Hampshire, titled to Peter Cosgrove, pursuant to 18 U.S.C. § 1955(d). This Complaint, and Notice of Complaint, were served on all known potential claimants, including Peter Cosgrove.

2. Peter Cosgrove filed a timely claim.

3. The United States and claimant Peter Cosgrove have reached an agreement which provides for the substitution of \$75,000.00 in United States funds for the *res* of the defendant in rem, 123 North Main Street, Rochester, New Hampshire, and for the forfeiture of the substitute *res*. The defendant in rem 123 North Main Street, Rochester, New Hampshire, will be dismissed from this action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. That the sum of \$75,000.00 in U.S. Currency is hereby substituted as the *res* for the defendant in rem 123 North Main Street, Rochester, New Hampshire;

B. That the defendant in rem 123 North Main Street, Rochester, New Hampshire is hereby dismissed from this proceeding;

C. That all rights, title and interests to the substituted defendant in rem \$75,000.00 in United States Currency is hereby condemned, forfeited and vested in the United States of America pursuant to 18 U.S.C. § 1955(d), free from the claims of any other party.

D. That the substituted defendant in rem \$75,000.00 in United States Currency shall be disposed of by United States Internal Revenue Service/United States Department of the Treasury in accordance with the applicable law and regulations. These funds, less costs to United States Internal Revenue Service/United States Department of the Treasury associated with the defendant in rem 123 North Main Street, Rochester, New Hampshire, shall be deposited into the Department of Treasury Asset Forfeiture Fund in accordance with applicable law and regulations..

E. Peter Cosgrove shall bear his own costs of this proceeding, including attorney's fees, if any.

The Clerk is hereby directed to send two certified copies of this Order to United States Attorney's Office, Attention: Assistant U.S. Attorney Robert J. Rabuck.

Dated: October 23, 2006

/s/Joseph A. DiClerico, Jr.
UNITED STATES DISTRICT JUDGE